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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,180	08/21/2003	Joseph Celi JR.	AUS920030375US1	7312

45371 7590 12/11/2006

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT PAPER NUMBER

2179

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,180	CELI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/22/03</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This application has been examined. The original claims 1-40 are pending. The examination results are as follows.

#### ***Information Disclosure Statement***

1. The examiner has considered the documents listed in forms PTO-1449 submitted with the Information Disclosure Statements (IDSs) received on 8/22/2003 (see the attached forms PTO-1449).

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "computer usable medium".

#### ***Double Patenting***

3. *The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).*

*A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with*

*this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.*

*Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).*

4. **Claims 1, 14, and 27** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 13, and 25 of copending Application No. 10/645,200, respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because despite the differences in wordings, both are directed to the same, indistinct invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-9, 13-16, 18-22, 26-30, 32-36, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuli (Patent No US 6,941,382 B1; hereinafter Tuli).

*As to claims 1 and 14*, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40),  
the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium comprises instructions comprising:

instructions for creating a web page image (e.g., translating html images into raster images or color images, see col. 2 lines 23-32);

instructions for dividing the web page image into a plurality of fragments (e.g., the image 5 is divided into section 7, 8, 9, and 10 as shown in Fig. 3); and

instructions for displaying one of the fragments on the display screen (e.g., displaying section 7 in a display window 13, see Fig. 2).

*As to claim 27*, Tuli teaches:

A program product operable on a computer (e.g., see Fig. 1 and col. 1 lines 29-40), the program product comprising:

a computer-usable medium (e.g., internal memory of the host computer and palm top device, see col. 1 lines 29-40 and col. 2 lines 56-62);

wherein the computer usable medium comprises:

a web page modification program (e.g., browser translator 4, see col. 2 lines 23-32); and

a navigation program (e.g., programs that causes other portions of the images to be displayed when the user scrolls up, downs, or sideways to these parts of the image, see col. 2 lines 54-67).

*As to claim 28*, Tuli further teaches wherein the web page modification program (e.g., browser translator 4) further comprises:

instructions for creating a web page image (e.g., translating html images into raster images or color images, see col. 2 lines 23-32);

instructions for dividing the web page image into a plurality of fragments (e.g., the image 5 is divided into section 7, 8, 9, and 10 as shown in Fig. 3); and

instructions for displaying one of the fragments on the display screen (e.g., displaying section 7 in a display window 13, see Fig. 2; note that the actual execution of events such as the scrolling events to cause a section of an image to be displayed is realized in the virtual browser, see col. 1 lines 48-52 and that the translator also acts as a virtual browser 6, see col. 2 lines 33-36).

*As to claims 2, 15, and 29*, Tuli further teaches determining if the size of a web page is larger than a display screen (e.g., see col. 2 lines 34-38); and responsive to a determination that the web page is larger than the display screen, performing the creating step (e.g., see col. 2 lines 38-47).

*As to claims 3, 16, and 30*, Tuli further teaches wherein the fragment is displayed at the web page's intended resolution (e.g., see Fig. 2).

*As to claims 5, 18, and 32*, Tuli teaches further comprising:

recording a location of at least one hyperlink (e.g., col. 3 lines 3-10);

creating an image segment on an image map in the same location of the hyperlink (e.g., image words that represent links on the page 5 in Fig. 2 are translated to be slightly bolder, see col. 3 lines 3-10); and

wherein the image segment directs the user to another web page or location (e.g., see col. 3 lines 24-33).

*As to claims 6, 19, and 33*, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 x-axis divisions).

*As to claims 7, 20, and 34*, Tuli teaches further comprising calculating the number of x-axis divisions (e.g., see Fig. 2; note that image 5 is divided into 2 y-axis divisions).

*As to claims 8, 21, and 35*, Tuli teaches further comprising:

determining if a user wants to navigate the web page image (e.g., see col. 2 lines 56-63); and

responsive to a determination that a user wants to navigate the web page image, running a navigation program (e.g., programs that causes other portions of the images to be displayed when the user scrolls up, down, or sideways to these parts of the image, see col. 2 lines 54-67).

*As to claims 9, 22, and 36*, Tuli further teaches wherein the displaying step occurs on a hand held display device (e.g., the information is received by a palm top device 12 in Fig. 1 is then decompressed and displayed in its display window 13, see col. 2 lines 54-57).

*As to claims 13, 26, and 40*, Tuli further teaches wherein the web page image is stored in an image file ending in .gif, .jpg, or .bmp (e.g., see col. 4 lines 30-35).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 10-12, 17, 23-25, 31, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli.

*As to claims 4, 17, and 31*, Tuli teaches the limitations of claims 1, 14, and 28 for the same reasons as discussed with respect to claims 1, 14, and 28 above. Tuli does not expressly disclose that responsive to a determination that the web page is not larger than the display screen, displaying the unmodified web page. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a function or step of responsive to a determination that the web page is not larger than the display screen, displaying the unmodified web page, in view of Tuli, because Tuli suggests to the skilled artisan that since web page images to be displayed in a browser window 6 are usually larger than the displayable area of the browser window 6, images are divided into smaller section (e.g., see col. 2 lines 34-47) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19); in other word, if a web page is not larger than the display screen, displaying the unmodified



web page in order to avoid the process of translation, division, compression, and decompression; thus, to increase the speed of processing since the web page is small enough for quick data transfer, retrieval to and from the portable devices (e.g., see col. 1 lines 15-19 and col. 2 lines 18-47).

*As to claims 10, 23, and 37*, Tuli teaches the limitation of claims 1, 14, and 28 for the reasons as discussed with respect to claims 1, 14, and 28 above. Tuli further teaches accessing the web page through a proxy (e.g., host computer 1 as shown in Fig. 1). Tuli fails to expressly teach that the proxy sends only one fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending only one fragment to a hand held display device, in view of Tuli, because Tuli suggests to the skilled artisan that sections of a web page image are decompressed and displayed in the order of priority such that the priority section is decompressed and displayed first (e.g., see col. 2 lines 56-60) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

*As to claims 11, 24, and 38*, Tuli teaches the limitation of claims 10, 23, and 37 for the reasons as discussed with respect to claims 10, 23, and 37 above. Tuli further teaches requesting another fragment (e.g., see col. 2 lines 59-63). Tuli fails to expressly teach that the proxy sends another fragment to a hand held display device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the function of sending another fragment to a hand held display device, in view

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of Tuli, because Tuli suggests to the skilled artisan that other portions are sequentially decompressed and stored to be displayed later when the user scrolls up, down, or sideways to these parts of the image (e.g., see col. 2 lines 59-63) to enhance the server's processing speed, data transfer and retrieval to and from the portable devices (see col. 1 lines 15-19).

*As to claims 12, 25, and 39*, Tuli teaches the limitation of claims 10, 23, and 37 for the reasons as discussed with respect to claims 10, 23, and 37 above. Tuli further teaches wherein the web page image is identified by a unique identifier (e.g., a uniform resource identifier – URL - of a web page; as well-known in the art at the time the invention was made, URL is used to identified a web page from the internet or WWW, see col. 3 lines 24-35).

### ***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

*Examiner's note:* Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

### ***Inquiry***

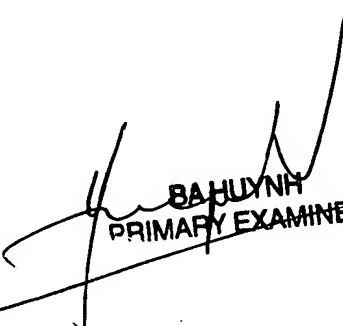
Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
11/29/2006

Lien Tran  
Examiner  
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